

City of Fort Lauderdale Planning and Zoning Board**STAFF REPORT****Case #115-R-03****March 17, 2004**

Applicant	Ronan Kelley, Rookery Park Estates	
Request	Site Plan Approval /Mixed Use Development/Allocation of Flex Units	
Location	5100 NW 31 Ave. (NE Corner of NW 31 Ave and Commercial Blvd.)	
Legal Description	A portion of Parcels A and B, William A Trueman Plat, PB 137, P 31 of the public records of Broward County	
Property Size	171,334 sq. ft. or 3.93 acres	
Zoning	B-1	
Existing Land Use	Vacant	
Future Land Use Designation	Commercial	
Comprehensive Plan Consistency	Consistent	
Applicable ULDR Sections	47-18.21 Mixed Use Development 47-24.3 Conditional Use 47-25.2 Adequacy Requirements 47-25.3 Neighborhood Compatibility Requirements	
Setbacks/Yards Front (West) Rear (East) Sides	Required	Proposed
	25'	25'
	20'	20'
	10'	15.5'
Lot Density	98 units	67 Units
Lot Size	10,000 sq. ft.	171,334 sq. ft.
Lot Width	100' min.	281'
Building Height	35' max.	32'
Structure Length	200' max.	Longest Structure is 192'
Floor Area	400 sq. ft. min.	Smallest Unit is 1,831sq. ft.
VUA Landscaping	20% of gross VUA	25%
Landscaping Lot Coverage	N/A	N/A
Parking	148	148
Notification Requirements	Sign notice along each public right-of-way	
Action Required	Site Plan Level III Approval	
Project Planner Authorized By Approved By	Name and Title	Initials
	Jim Koeth, Principal Planner	
	Chris Barton, RLA, AICP, Principal Planner	
	Bruce Chatterton, AICP, Planning and Zoning Manager	

At the February 19, 2004 Planning and Zoning Board meeting the following application was continued to the March 17, 2004 meeting. As discussed at the February 19th meeting, this application was reviewed as a multi-family use (Exhibit 1). Multi-family use is permitted as per our ULDR and Comprehensive Plan (Exhibit 2).

Request:

The applicant proposes to construct a mixed use development (residential only) on a commercially land use designated site with an allocation of flexibility units as per ULDR Sects. 18.21, Mixed Use Development; 24.3, Conditional Use; 25.2, Adequacy Requirements and 25.3, Neighborhood Compatibility.

Property/Project Description:

This is a request to construct a mixed use development consisting of sixty seven (67) residential units. These units will be contained in ten (10) separate buildings. The units are two stories and all will have garages. There is a pool and deck that is centrally located within the development. ULDR Sec. 47-18.21.D.5, Mixed Use, permits single use residential buildings with no business uses for parcels less than 5 acres in size; this parcel is 3.93 acres.

Parking and Traffic:

One hundred forty eight (148) parking spaces are provided for this development, where one hundred forty eight (148) parking spaces are required. Neither a traffic statement nor a traffic study is required.

Access to this development is from NW 31 Ave. on the northwest and southwest points of the site. Pedestrian connections to the project are provided along each vehicular entry from NW 31 Ave.

Landscaping:

Landscaping and open space requirements have been met. In addition, as per ULDR Sec. 47-21.H.3, a one thousand four hundred (1,400) gross sq. ft. plaza is required. The public plaza requirement has been met by providing areas along the south border of the property along the ingress/egress easement drive, via two plazas at 1,161 sq. ft. and 1,059 sq. ft. respectively. The plaza areas total 2,220 sq. ft., exceeding the 1,400 sq. ft. requirement by 820 sq. ft. The plazas include benches, trees and pavers. Two plazas are located on either side of the project's south entry drive, across a private driveway easement from the existing Pollo Tropical Restaurant and the Chevron station.

Schools:

The Florida Legislature amended Chapter 163, Florida Statutes (the Growth Management Act) in 2000, creating new subsection 163.31777. This portion of state law required local governments and school boards to adopt a public schools interlocal agreement to coordinate local comprehensive planning and school facility planning programs. The City of Fort Lauderdale executed the Interlocal Agreement with the Broward County School District on April 3, 2003.

Section 7.6 of the Interlocal Agreement states that the City agrees to notify the School Board Superintendent of proposed land use applications, amendments to the comprehensive plan future land use map, rezonings, developments of regional impact, and other residential or mixed-use development projects with a residential component pending before the City that may affect student enrollment, enrollment projections, or school facilities. Section 7.7 of the Interlocal Agreement states that written comments provided by the Superintendent will advise regarding student impacts anticipated, capacity of the schools that serve the proposed amendment or project, planned capacity improvements and alternatives available.

This proposal is subject to the provisions of the Interlocal Agreement. The City of Fort Lauderdale has notified the Superintendent of the proposal. Comments have been received from the Superintendent and are attached to this staff memorandum as **Exhibit 3**.

Broward County Neighborhood Compatibility Review

In accordance with the requirements of the Broward County Land Use Plan, a development proposal located west of the 'urban infill' line that proposes to use flexibility provisions of the County Plan is required to undergo compatibility review by the Broward County Commission. This proposal is subject to that requirement. The procedure required by the County is for a local government to complete its land development review process first, and then the applicant will submit the proposal to the County for the compatibility review. The applicant has been advised of this requirement.

Mixed Use Development:

As per ULDR Sec. 18.21.D, this project will require the allocation of sixty seven (67) flexibility units from Flex Zone 42 and meets all other requirements. Currently there are two hundred and twenty six (226) units available in this zone. The applicant has provided a narrative, which is attached to the plans addressing the mixed use criteria. Seven foot wide sidewalks have been provided along all portions of the project.

Adequacy and Neighborhood Compatibility:

The applicant has submitted a narrative regarding how this proposal complies with the Adequacy Requirements of Section 47-25.2.

A narrative has also been submitted by the applicant addressing how this proposal complies with Neighborhood Compatibility Requirements (Section 47-25.3.A.3.e)

Staff concurs with the applicant's assessment with the exception of the shadowbox fencing along the north, east and south perimeter of the project. This type of fencing does not allow visibility into the project and closes off the development from the surrounding neighborhood. Staff feels a non-opaque decorative fencing would be more appropriate.

Conditional Use:

Mixed Use development may be permitted as a conditional use as per ULDR Sec. 47-24.3. Conditional use approvals are subject to City Commission Request for Review within 30 days. The applicant's narrative outlining how they meet the conditional use requirements is attached to the plan. Staff concurs with applicant's assessment.

Comprehensive Plan Consistency:

Staff finds the proposal consistent with the Comprehensive Plan.

Planning and Zoning Board Review Option:

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for Site Plan Level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the Site Plan Level III permit.

If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the Site Plan Level III permit.

Should the Board approve the proposed development, the following conditions are proposed by staff:

1. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include but not be limited to the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
2. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
3. Proposed shadowbox fencing along the north, east and south perimeter of the project be changed to a non-opaque decorative fencing type. Plat shall be amended to reflect uses proposed, if approved by the Planning and Zoning Board. amendment issues
4. Final DRC approval.

City of Fort Lauderdale
Building Services Division Construction Debris Mitigation Policy

Section 24-11 Construction Sites, of the City of Fort Lauderdale Code of Ordinances is for the purpose of controlling construction debris. In accordance with the Code, any property under construction is required to contain construction debris on the subject property site. In an effort to ensure that construction debris does not spillover onto adjacent sites, the Building Services Division will require the following mitigation measures as minimum conditions to prevent the spillover of construction debris onto adjacent properties. These measures are to be included in a Construction Debris Mitigation Plan, which will be submitted to the Building Official, prior to the issuance of a building permit for the subject project. Additional measures may be required to ensure compliance with the Code, as deemed necessary by the Building Official.

1. Extermination of the site and buildings prior to demolition. A certificate certifying that the site has been exterminated is required to obtain a demolition permit.
2. Wet demolition of existing buildings is required to minimize dust.
3. Install and maintain a 6' screening (wind blown) on all ground level perimeter site fencing to minimize dust and debris blowing out to surrounding buildings.
4. Adherence to all state and county regulations with regards to the handling of asbestos in existing buildings.
5. Provide for construction employee parking and construction staging areas, to be reviewed and approved by the City's Engineering Department, and as necessary the City's Zoning and Parking Divisions.
6. The Building Division will require measures to minimize the airborne concrete when pouring. Such measures may include, but are not limited to, use of a wet saw when cutting concrete, wind screens around saws on concrete work deck; wind screens on end of concrete pump hose, etc.
7. The Building Division will require measures to minimize airborne debris from all open floors, including but not limited to, a requirement that each floor undergoing construction activity be wrapped to control the spillover of concrete and dust onto adjacent properties.
8. Sweeping compound will be required to minimize dust when sweeping the open floors of the building.
9. Broom cleaning of adjacent streets and sidewalks is required on a daily basis.
10. A hot line telephone number for the subject property is required to address issues as they arise.
11. On site visits by City Building Inspectors and other building officials will occur, as needed, to ensure that the concerns of adjacent property owners regarding construction debris and noise are being properly and timely addressed. The costs incurred for such inspections will be borne by the applicant